

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No. 3343 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMANLAL P CHOKSHI

Versus

STATE OF GUJARAT

Appearance:

MR UNMESH D SHUKLA for Petitioner
MS VALIKARIMWALA APP for Respondent No. 1
MR RAMNANDAN SINGH for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT
Date of decision: 27/11/98

ORAL JUDGEMENT

Heard learned advocate Mr. T.S Nanavati for Mr. Shukla, the learned advocate appearing for the

petitioner, learned APP Ms. Valikarimwala for the respondent-State and Mr. R.N Singh, the learned advocate appearing for the respondent no. 2.

2. This is an application made under Section 482 CrPC for quashing the complaint registered in the court of Chief Judicial Magistrate, Vadodra, as Criminal Case No. 2163 of 1998. The respondent no. 2 is the complainant. The complaint is lodged against one Shri Biren J Shah and five others for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The applicant being the accused no. 3. It is the allegation of the complainant that the offence has been committed by the accused no. 6-Company of which the respondent nos. 1,2,4 and 5 are the Directors and the accused no. 3 (present applicant) is the Chairman.

3. Mr. Nanavati has submitted that even assuming that the offence, as alleged, has been committed by the accused no. 6-Company, on the date of the commission of the offence, the applicant - accused no. 3 was neither the Chairman nor the Director of the accused no. 6-Company nor was he incharge of and/or responsible to the company for the conduct of the business of the Company. He, therefore, seeks to quash the complaint in so far as it relates to the present applicant-accused no. 3.

4. Considering the averments made in the application and the documents produced by the applicant, Mr. Singh agrees that the name of the Accused no. 3 shall be deleted from the complaint. In view of the said statement, the name of the accused no. 3, the present applicant shall stand deleted from the complaint registered as Criminal Case No. 2163 of 1998, in the Court of Chief Judicial Magistrate, Vadodara. The summons ordered to be issued by the learned Chief Judicial Magistrate, Vadodara against the accused no. 3, the applicant herein, stands quashed and set-aside. The application is disposed of accordingly. Rule is discharged. There shall be no order as to costs.

Prakash*